

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER**

IN THE MATTER OF:

Lee Kruse and Mary Kruse d/b/a Kruse
Brothers Ltd.
ID #62943
Section 6
Lee County, Iowa

ADMINISTRATIVE CONSENT ORDER

NO. 2010-AFO- 48

TO: Mary Kruse
1627 110th Street
Salem, Iowa 52649

Lee Kruse
3380 Grant Avenue
Salem, Iowa 52649

VIOLATION: 567 Iowa Administrative Code (IAC) 65.16(3) "b" and "c" and 567 IAC 65.17(17) "h" (3). You failed to submit a complete Iowa Phosphorus Index manure management plan (P-Index) to the Iowa Department of Natural Resources (Department), the board of supervisors of the county where the confinement feeding operation is located, and to the board of supervisors of each county where the manure is to be applied, by April 1, 2010. You were notified by mail in 2009 that reminder letters would no longer be sent by the Department. You were sent a notice of violation on April 21, 2010. To date the P-Index has not been submitted.

ORDER: Submit a complete P-Index. In addition, a penalty of \$3,000.00 shall be paid 30 days after the date the Director signs this Order. This penalty shall be paid to the Department, at the address listed below. \$50.00 of this amount is assessed for economic benefit from delayed preparation costs. \$1,500.00 of this amount is based on the gravity of the violation, considering the size of this facility, agency costs in addressing this violation, the importance of the animal feeding operation program, and the threat to the integrity of the animal feeding operation program. \$1450.00 of this amount is for culpability; the P-Index requirements have been widely publicized in the industry and ample time for compliance was allowed.

AUTHORITY: Iowa Code §455B.109; §459.601; §459.603; 567 IAC 10.3, 65.16(3) "b" and "c", 567 IAC 65.17.

WAIVER OF APPEAL: This Order is entered into knowingly by and with the consent of Mary and Lee Kruse. For that reason, they waive their right to appeal this Order or any part thereof.

NONCOMPLIANCE: If Mary and Lee Kruse fail to comply with this Order they may be subject to further penalties pursuant to Iowa Code §455B.109 or penalties and injunction pursuant to Iowa Code §455B.191 and §459.603. Compliance with the terms of this Order constitutes full satisfaction of all requirements pertaining to the violations described in this Order.

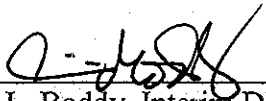
Mary Kruse
Mary Kruse

Dated this 5th day of Sept 2010

Lee Kruse
Lee Kruse

Dated this 6 day of Oct, 2010

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Dated this 18 day of October, 2010

Patricia L. Boddy, Interim DIRECTOR

IOWA DEPARTMENT OF NATURAL RESOURCES

502 East Ninth Street; Wallace State Office Building; Des Moines, Iowa 50319

VIII C 1; EPA, Carrie Schoenebaum, Ken Hessenius, Field Office 6